

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

49 BLEECKER INC,

Case No. 21-cv-5793 (ALC)

Debtor.

**STIPULATION WITHDRAWING APPEAL WITH PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREE**, that:

**WHEREAS**, on June 28, 2021, Appellant 49 Bleeker Inc. (“Appellant”) filed a Notice of Appeal and Statement of Election from the Decision after Trial, entered on June 15, 2021, that determined that 49 BLEECKER INC.’s lease for the premises located at 49 Bleeker Street, 3rd Floor, New York, New York, had terminated as of December 31, 2018 (“Appellant’s Appeal”), in the bankruptcy case entitled *In re 49 Bleeker Inc.*, docketed under S.D.N.Y. Bankruptcy Case No. 21-10312 (MEW) (the “Bankruptcy Case”) ; and

**WHEREAS**, Appellant’s Appeal was transferred to the within named court and docketed under S.D.N.Y. Case No. 21-cv-05793-ALC; and

**WHEREAS**, Appellant and Appellee Rogers Investments NY, LLC, have fully and finally resolved and settled all issues pertaining to Appellant’s Appeal pursuant to a certain Stipulation and Order for Surrender of Premises Formerly Leased to Debtor and Settlement of Claims Between Debtor and Landlord, which Stipulation was so-ordered by the bankruptcy court (Wiles, J.) and docketed on August 24, 2021, as ECF Doc. No. 69 in the Bankruptcy Case.

**NOW THEREFORE**, by reason of the foregoing, it is hereby stipulated and agreed that Appellant’s Appeal is hereby withdrawn and discontinued with prejudice and without costs as to either party, and that this Stipulation may be filed with the Court without further notice to the parties hereto.

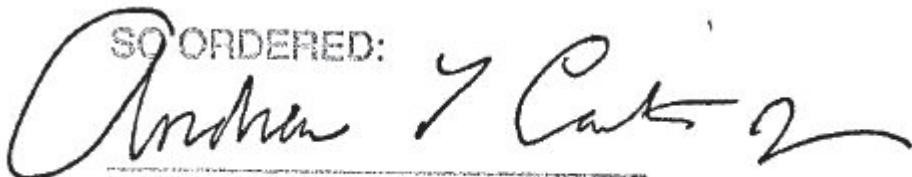
Dated: New York, New York  
August 24, 2021

**FARBER SCHNEIDER FERRARI LLP**  
*Special Counsel for Appellant*  
49 Bleecker Inc. upon express emailed authorization  
from client

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SO ORDERED:  


HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

August 30, 2021